Notice

The Montgomery Circuit, Superior and County Courts have published proposed modifications and additions to local rules, which may be examined in the office of the Clerk of Montgomery County, on the Clerk's website (www.montgomeryco.net), and on the Indiana Judicial website (www.in.gov/judiciary/rules/local).

Comments may be submitted by the bar and public until May 1, 2005. Comments should be sent to the Honorable David A. Ault, Montgomery Superior Court, 100 E. Main Street, Crawfordsville, Indiana 47933, or by facsimile to 765-364-6465, or by e-mail to judge.ault@montgomeryco.net.

Proposals will be adopted, modified or rejected by July 15, 2005.

The effective date of the proposed rules shall be January 1, 2006.

Local Probate Rules

~~LOCAL PROBATE RULE 1~~
LR54-PR00-1

Case Assignments

~~Pursuant to I.C. 33-5-36.6-9 and Trial Rule 81 of the Indiana Rules of Procedure, all~~ All probate actions and proceedings shall be assigned to Montgomery Superior Court.

~~LOCAL PROBATE RULE 2~~
LR54-PR00-2

Notice

A. ~~2.1~~ Whenever notice by publication or written notice by U.S. Mail is required to be given, the attorney shall prepare such notice and shall ensure that such notice is properly published or served. In all respects, the notice shall comply with all statutory requirements. It shall be the attorney's responsibility to ascertain and provide adequate proof regarding whether publication was timely made or notice was properly served prior to bringing a matter to the Court.

B. ~~2.2~~ Notice of hearings and all other notices ordered by the Court to be given, other than by publication, shall be served by certified mail, return receipt requested.

C. ~~2.3~~ When a petition is filed and a hearing thereon is ordered, a copy of the petition shall be sent with all notices.

D. ~~2.4~~ Notice of administration of an estate shall be served on all readily ascertainable creditors of the decedent by mail; use of certified mail, return receipt requested, is recommended.

E. ~~2.5~~ When a petition requesting that an estate be closed due to insolvency is filed, notice thereof shall be given to the Montgomery County Assessor, all claimants, all reasonably ascertainable creditors, and any other interested parties.

F. ~~2.6~~ On or before ~~five (5)~~ three (3) months and fifteen (15) days after the date of the first published notice to creditors, the personal representative shall allow or disallow each claim which was filed within ~~five (5)~~ three (3) months after the date of the first published notice to creditors by filing a written statement with the Court showing the action taken as to each claim, and shall give written notice to a claimant if a claim has been disallowed in full or in part.

~~LOCAL PROBATE RULE 3~~
LR54-PR00-3

Filing of Papers

A. ~~3.1~~ Petitions and other papers, including Inventories, Inheritance Tax Returns, and Final Accounts, shall be filed with the Clerk for transmittal to the Court.

B. ~~3.2~~ When any paper is filed by mail, or left with the Clerk for filing, a self-addressed, stamped envelope shall be included for return of documents to the attorney. This provision shall not apply to attorneys for whom the Clerk has a "mail box" for distribution of copies of papers.

C. ~~3.3~~ Attorneys shall prepare orders for all proceedings, except for orders determining inheritance taxes and except when expressly directed otherwise by the Court.

D. ~~3.4~~ Every paper filed by or on behalf of a fiduciary in an estate or guardianship proceeding, including but not limited to Inventories, Petitions, and Accountings, shall be signed and verified by the fiduciary and signed by the attorney for the fiduciary.

E. ~~3.5~~ All papers filed shall contain the attorney's name (not just firm name), address, telephone number and attorney's Registration Number.

F. ~~3.6~~ All papers filed shall be on 8-1/2 by ll inch paper. The Clerk shall refuse to accept any paper not in compliance with this rule~~.~~, except for original wills and codicils which may be in a larger format.

G. ~~3.7~~ A petition for the appointment of an individual personal representative or an individual guardian shall contain the social security number, home address, and date of birth of the proposed individual fiduciary. In the event of a change in home address, the individual personal representative or individual guardian shall notify the Court of such change.

H. ~~3.8~~ The Instructions to the Personal Representative or Guardian, executed by the fiduciary, must be filed with the Court at the time letters are ordered to be issued.

~~LOCAL PROBATE RULE 4~~
LR54-PR00-4

Bond

A. ~~4.1~~ In every estate and guardianship, the fiduciary, prior to the issuance of letters, shall file a corporate surety bond in an amount not less than the value of the property to be administered, plus the estimated value of annual rents and profits of all property, less the value of any property that the fiduciary, by express limitation of power, lacks the power to sell, convey or encumber without a court order, in such amount as shall be ordered by the Court, except as hereafter provided:

(1) ~~A.~~ In an estate in which the will of the decedent provides that the bond may be waived, the Court may set a bond in an amount adequate to protect the rights of creditors, tax authorities, and legatees/devisees.

(2) ~~B.~~ If the heirs or legatees/devisees have filed a written request that the fiduciary serve without bond, the Court may set such bond in an amount adequate to protect the rights of creditors and tax authorities only.

(3) ~~C.~~ If the fiduciary is an heir or legatee/devisee of the estate, the bond otherwise required may be reduced in an amount equal to said fiduciary's share of the estate.

(4) ~~D.~~ No bond shall be required in any estate or guardianship in which a corporate fiduciary qualified by law to serve as such is either the fiduciary or one of the fiduciaries.

(5) ~~E.~~ In an unsupervised estate, bond may be set at the discretion of the Court.

(6) ~~F.~~ Upon the filing of a verified petition and for cause shown, the Court may waive the requirement that a fiduciary file a bond.

B. ~~4.2~~ The name and address of the insurance agency from which a bond is obtained shall be typed or printed on all corporate bonds filed with the Court.

C. ~~4.3~~ In lieu of a bond ~~otherwise required by Rule 3.1~~, a fiduciary may restrict transfer of all or part of the estate or guardianship liquid assets by placing them in a federally-insured financial institution with the following legend placed on the face of the account, instrument, or document evidencing the same: NO PRINCIPAL OR INTEREST SHALL BE WITHDRAWN WITHOUT WRITTEN ORDER OF THE CIRCUIT/SUPERIOR COURT OF MONTGOMERY COUNTY, INDIANA, and with an acknowledgement of such restriction placed on the face of such account, instrument, or document evidencing the same. In addition, an acknowledgement of the restriction by the financial institution must be filed with the Court within ~~10~~ ten (10) working days after the establishment of such account. In all guardianships, both guardian and attorney must also execute an acceptance form to ensure such compliance. ~~(Appendix A and A-1)~~ (Probate Appendix A-1 and A-2)

D. ~~4.4~~ All petitions to open an estate or guardianship shall set forth the probable value of the personal property plus the estimated annual rents and profits to be derived from the property in the estate or guardianship.

~~LOCAL PROBATE RULE 5~~
LR54-PR00-5

Inventory

A. ~~5.1~~ A complete inventory shall be filed in all estate and guardianship proceedings within the following applicable time periods:

(l) Estates (supervised and unsupervised)~~,~~ ;~~within~~ Within sixty (60) days after the appointment of the personal representative;

(2) guardianships, within ninety (90) days after the appointment of a permanent guardian, and within thirty (30) days after the appointment of a temporary guardian.

B. ~~5.2~~ In the event an amended or partial inventory is filed, all subsequent inventories shall contain a recapitulation of prior inventories.

C. ~~5.3~~ The inventory in an ~~unsupervised~~ estate may be filed in a sealed envelope marked "CONFIDENTIAL: INVENTORY" and bearing the complete caption of the proceedings. The Clerk will store the inventory separately from the case file and shall not make the inventory available for public inspection.

~~LOCAL PROBATE RULE 6~~
LR54-PR00-6

Sale or Transfer of Real Estate

A. ~~6.1~~ When a Petition to Sell Real Estate is filed in a supervised estate or guardianship, it shall be accompanied by a written professional appraisal setting forth the fair market value of ~~said~~ the real estate, unless such appraisal was previously filed with the Inventory. Such written appraisal shall include the signature of the appraiser and a certification of disinterest in the subject real estate.

B. ~~6.2~~ All such appraisals ~~required by Rule 6.l~~ shall have been made within one (l) year of the date of the Petition to Sell Real Estate.

C. ~~6.3~~ All deeds submitted to the Court for approval in either supervised estate or guardianship proceedings shall be submitted with the Report of Sale of Real Estate or at the time of the hearing on the Final Account. All such deeds shall be signed by the personal representative or guardian and notarized prior to submission. Complete copies of such deeds shall be filed with the Court at the time the original is submitted for approval.

D. ~~6.4~~ Whenever a Final Decree reflects that real estate located in Montgomery County has vested in heirs or devisees, the personal representative shall provide the Auditor with a copy of the decree and request the Auditor to transfer the real estate for tax purposes, all of which shall be reported as completed to the Court in the Supplemental Report or Closing Statement.

~~LOCAL PROBATE RULE 7~~
LR54-PR00-7

Sale of Personal Property

A. ~~7.1~~ Except as provided otherwise in Rule ~~7.3~~ 7.C, no Petition To Sell Personal Property at private sale in a supervised estate or guardianship shall be granted unless a written appraisal, setting forth the fair market value of said personal property, is filed with such Petition, unless such appraisal was previously filed with the Inventory.

B. ~~7.2~~ All such appraisals ~~required by Rule 6.1~~ shall have been made within one (l) year of the date of the Petition To Sell Personal Property.

C. ~~7.3~~ No such written appraisal shall be required for the sale of assets which are traded on an open market and which have a readily ascertainable value. Such assets include, but are not limited to: Stocks traded on a national exchange, mutual funds, commodities, and precious metals.

~~LOCAL PROBATE RULE 8~~
LR54-PR00-8

Accountings

A. ~~8.1~~ Whenever an estate is not closed within one (l) year, the personal representative shall:

(1) ~~A.~~ File an intermediate account with the Court within thirty (30) days after the expiration of one (l) year after the opening of the estate and of each succeeding year thereafter until such estate is closed. Such accounting shall comply with the provisions of I.C. 29-1-16-4 and 29-1-16-6 and:

(a) ~~i.~~ Shall state facts showing why the estate remains open and an estimated date of closing;

(b.) ~~ii.~~ Shall propose partial distribution of the estate to the extent that partial distribution can be made without prejudice to distributees and claimants; or

(2) ~~B.~~ File a statement with the Court stating the reasons why the estate has not been closed, the estimated date of closing, the extent to which partial distribution can be made, and showing cause for relief from the requirement of filing an intermediate accounting.

B. ~~8.2~~ In the event an individual is appointed guardian to handle the financial affairs of a protected person, the guardian shall file his first current account within thirty (30) days after the first anniversary of the date on which the letters were issued. Thereafter, all accountings shall be filed biennially.

C. ~~8.3~~ All accountings concerning restricted guardianship bank accounts shall contain a verification of such account balances by an officer of the financial institution in which such guardianship bank accounts are held. ~~(Appendix B)~~ (Probate Appendix B)

D. ~~8.4~~ All social security, veterans, retirement, or Medicare benefits received on behalf of a minor or an incapacitated person shall be included and accounted for in the guardianship accountings unless Court approval has been previously granted to allow said funds to be paid directly to a residential or health care facility.

E. ~~8.~~5 In all supervised estate and guardianship accountings, vouchers or cancelled checks for the expenditures claimed shall be filed with the accounting. No affidavits in lieu of vouchers will be accepted from individual fiduciaries. An affidavit in lieu of vouchers may be accepted by the Court from a state or federally chartered financial institution which serves as a fiduciary, provided the financial institution retains the vouchers on file or by electronic recording device.

F. ~~8.6~~ In all supervised estate and guardianship accountings, a notation shall be placed by each expenditure indicating the reason for or nature of the expenditure unless the payee name indicates the nature of the expenditure.

EXAMPLES: Woods Drug Store - medicines
Dr. John Edwards
Sam Davis - plumbing repair to 315 Main St.
Myers Nursing Home

G. ~~8.7~~ All accountings to the Court shall contain an itemized statement of the assets on hand.

H. ~~8.8~~ No guardian or personal representative shall be discharged until receipts for all final distributions have been filed with the Final Account or Supplemental Report.

I. ~~8.9~~ All accountings shall follow the prescribed statutory format (I.C. 29-1-16-4). Informal, handwritten, or transactional accountings will not be accepted.

J. ~~8.10~~ In a supervised estate, all Court costs shall be paid and all allowed claims satisfied and released and proof thereof presented to the Court by the hearing on the Final Account.

K. ~~8.11~~ The Federal Estate Tax Closing Letter and the Indiana Inheritance Tax Closing Letter (or the countersigned receipt), or a photocopy thereof, showing payment of all Federal Estate and/or Indiana Inheritance Tax liability payable by reason of a decedent's death, executed by the Internal Revenue Service or the Indiana Department of Revenue, shall be attached to the Final Report or shall be filed prior to entry of an order on the Final Account.

~~LOCAL PROBATE RULE 9~~
LR54-PR00-9

Fees of Fiduciaries and Attorneys

A. ~~9.1~~ No fees for fiduciaries or attorneys shall be paid out of any supervised estate, trust or guardianship without prior approval of the Court.

B. ~~9.2~~ In a supervised estate, one-half (1/2) of the fees for the personal representative and attorney may be paid upon filing the Indiana Inheritance Tax Return. The balance of such fees may not be paid until the Court has approved the Final Account. The Final Account shall recite that any fees which have been paid prior to the filing of the Final Account (up to one-half of the fees) have been paid in accordance with the approval of the Court ~~referenced in Rule 9.1~~.

C. ~~9.3~~ A guardian or guardian's attorney may petition for fees at the time of filing an Inventory, and at such other times as circumstances warrant, such as performance of unusual items of substantial work.

D. ~~9.4~~ Guardian ad litem fees may be paid upon filing a

Guardian ad litem's written status report. ~~(Appendix C)~~ (Probate Appendix C)

E. ~~9.5~~ In an unsupervised estate, the Court will not set nor take any action to authorize payment of attorney or fiduciary fees.

F. ~~9.6~~ In any supervised estate in which a contract for legal services has been entered into prior or subsequent to the opening of the estate, the Court reserves the right to approve or disapprove the fee contracts consistent with the Court's fee guidelines. (See Maximum Fee Guidelines, Appendix G)

G. ~~9.7~~ All petitions for attorney and/or fiduciary fees shall conform to the fee guidelines set forth under these rules and shall specifically set forth in detail all services performed, the calculation and the amount of the requested fee, and any prior fees approved by the Court. A separate petition shall be filed requesting fee determination, and neither the Inheritance Tax Return nor the Final Account shall serve as such petition for any estate, trust or guardianship.

H. ~~9.8~~ In the case of an intestate decedent, any attorney fees or fiduciary fees due by reason of jointly held assets shall be assessed against the owner of such jointly held assets.

I. ~~9.9~~ Unjustified delays by the fiduciary or attorney in carrying out duties will result in a reduction of fees.

~~LOCAL PROBATE RULE 10~~
LR54-PR00-10

Unsupervised Administration

A. ~~10.1~~ Except in the case of an estate in which the decedent's will authorizes unsupervised administration, no petition for administration without Court supervision shall be granted unless the consent requirement of I.C. 29-1-7.5-2(a)(4) is met, along with all other requirements of I.C. 29-1-7.5-2(a).

B. ~~10.2~~ In an unsupervised estate, all Court costs shall be paid and all allowed claims satisfied and released and proof thereof presented to the Court on or before the date of the filing of the Closing Statement. The Closing Statement shall comply with ~~MCLPR 8.11~~ LR54-PR00-8.K.

C. ~~10.3~~ If an order is submitted on the Closing Statement, the order shall not provide for approval of the Closing Statement, or ratification of the same or of any acts of the personal representative. The order should provide that no proceedings involving the personal representative are pending in the Court three (3) months after the filing of the Closing Statement, that the appointment of the personal representative terminates by operation of law, and that the surety is discharged.

D. ~~10.4~~ In an unsupervised estate, if the jurisdiction of the Court is invoked for any matter other than opening the estate, determining any inheritance tax due, and accepting the Closing Statement, the administration shall become a supervised administration for all purposes. In that event, the fiduciary and attorney shall give notice of such administration to all heirs, legatees and devisees, and other interested persons.

~~LOCAL PROBATE RULE 11~~
LR54-PR00-11

Guardianships

A. ~~11.1~~ In guardianship proceedings to declare an adult incapacitated, a Physician's Report by the doctor treating the alleged incapacitated person and such additional evidence as may be required by the Court shall be presented to the Court either at the time the petition is filed or on the hearing date. No determination will be made without a supporting medical report or testimony. (See "Physician's Report", Probate Appendix D)

B. ~~11.2~~ Upon the hearing on the petition for guardianship, the petitioner shall establish that the persons most closely related by blood or marriage to the person for whom the guardian is sought to be appointed have received notice of the petition and the hearing thereon, and shall inform the Court as to any objections by any of said persons to the appointment of the guardian.

C. ~~11.3~~ Biennial or annual accounts filed by the guardian of the person of a minor or an incapacitated person shall state the current residence of the minor or incapacitated person and his or her general welfare. If the incapacitated person is an adult, a report by the guardian, treating physician or the guardian ad litem shall be filed with the current account, verifying that the incapacity of the person continues since the date the guardianship was established or since the date of the last current report and that living arrangements for the incapacitated person are appropriate. (See "Biennial Report of Guardian", Probate Appendix E-1 (No Assets) and E-2 (Restricted Accounts))

D. ~~11.4~~ The following information shall be included in the Petition for the Appointment of a Guardian for the person of a minor:

(1) ~~A.~~ The minor's current address;

(2) ~~B.~~ The places where the minor has lived within the previous two (2) years and the names and present addresses of the persons with whom the child has resided during that period;

(3) ~~C.~~ Whether, to the petitioner's knowledge, any person not a party to the guardianship proceedings has physical custody of the child or claims to have custody or visitation rights with respect to the child; and

(4) ~~D.~~ Whether, to the petitioner's knowledge, any other litigation is pending concerning the custody of the child in this or any other state.

E. ~~11.5~~ Nothing herein shall be deemed as amending, superseding, or altering the Probate Rules and Regulations promulgated by the Veteran's Administration of the United States of America, and every fiduciary and attorney shall comply with same if applicable.

F. ~~11.6~~ The guardian shall obtain Court approval prior to taking any action on any financial matter pertaining to performance of the guardian's duties and responsibilities.

G. ~~11.7~~ In all settlement proceedings (wrongful death, minor's settlement, or incapacitated person's settlement), the Court reserves the right to appoint an attorney or guardian ad litem for the injured party, and shall require an open hearing.

~~LOCAL PROBATE RULE 12~~
LR54-PR00-12

Private Adoptions

A. ~~12.1~~ In addition to statutory requirements set forth in the Indiana Code for "private" or "independent" adoptions, the procedures set forth herein must be followed before a private placement adoption will be granted. This rule shall not apply to adoptions by a step-parent when the child is in the custody of the natural parent who is married to such step-parent.

B. ~~12.2~~ Pre-Adoption Investigation. Prior to filing the Petition for Adoption, if the petitioners want temporary custody of the child, a pre-placement adoption investigation must be completed and the prior written approval of such placement must be obtained from a licensed child-placing agency or the Montgomery County Office of the Division of Family and Children, unless such approval is not required pursuant to I.C. ~~31-3-1-3~~ 31-19-7-1 or is waived by the Court as provided therein. Such investigation may be performed prior to the birth of the child and before the identity of the mother of the child is known. The Adoption Investigation Report must include the following:

(1) ~~A.~~ Home - physical description of neighborhood, house, housekeeping standards.

(2) ~~B.~~ Motivation and Understanding of Adoption - reasons to adopt, understanding of adoption and responsibilities to child; if a private placement, how petitioners became aware of the child.

(3) ~~C.~~ Family Members -

(a) ~~i.~~ Adoptive father: d/o/b and age; social/educational history; likes; dislikes; hobbies; employment.

(b) ~~ii.~~ Adoptive mother: (same as above)

(c) ~~iii.~~ Other children: attitudes and opinions about adoption; behavior and school performances with verifying school records.

(d) ~~iv.~~ Other household members: attitudes/opinions regarding adoption; income; health.

(4) ~~D.~~ Police record check of household members.

(5) ~~E.~~ Marriage - date of marriage; information about length of courtship; each spouse's feelings, opinions, attitudes about self, other spouse, and their marriage.

(6) ~~F.~~ Child Rearing Patterns/Child Care Plans - information about discipline, educational expectations of children in household and prospective adoptee.

(7) ~~G.~~ Employment/Finances/Insurance - for anyone in

household.

(8) ~~H.~~ Health/Medical - for anyone in household.

(9) ~~I.~~ Information about prospective adoptee: birth weight and height, Apgar scores, any birth difficulties; if not newborn, previous history, behavior, etc.

(10) ~~J.~~ Natural Parents - nonidentifying social history: education, employment, family and medical history.

(11) ~~K.~~ Psychological Evaluation on each adoptive parent -attach report.

(12) ~~L.~~ References - at least three (3).

(13) ~~M.~~ Recommendation.

C. ~~12.3~~ Temporary Custody. If the petitioners are "pre-qualified" (meaning a favorable pre-placement adoption investigation has been completed by the Montgomery County Office of the Division of Family and Children or by a licensed agency, which recommends in writing immediate placement of a child) and the Adoption Investigation Report accompanies the filing of the Petition for Adoption, then the Court may issue an order authorizing the petitioners to have temporary custody of the child. The Court must be satisfied that immediate placement of the child is in the child's best interest. The Court will then assist the petitioners by authorizing release of the child directly to the petitioners from the hospital, if requested by the petitioners and approved in writing by the natural mother, until the hearing on the natural parents' consent and voluntary relinquishment of parental rights. Such hearing will be held no sooner than seventy-two (72) hours following the filing of the Petition and the Report (excluding Saturdays, Sundays, and holidays). If the petitioners are not pre-qualified, then they may not take physical custody of the child (either from the hospital or the natural parents) prior to order of the Court authorizing such placement. Such unauthorized custody may be grounds for removal of the child from the petitioners' custody and denial of the Petition for Adoption. Such an order for placement will only be issued upon the petitioners' filing of a favorable Adoption Investigation Report, which recommends the placement.

D. ~~12.4~~ Forms Required. Upon filing the Petition for Adoption, petitioners must also file the following documents:

(1) ~~A.~~ A statement, under oath, relating how petitioners learned of the child and how and when arrangements for placement and adoption were made, including the names and relationships, if any, of the petitioners to the natural parents and all other persons involved in such arrangements.

(2) ~~B.~~ A Financial Disclosure Affidavit stating any and all sums paid or expected to be paid in connection with the adoption, the purpose for

such payments, and the recipient(s) thereof. This affidavit will remain confidential, will only be open to inspection by the Court, and is intended to insure that unauthorized or illegal expenditures are not made to induce the placement or adoption.

(3) ~~C.~~ A written consent to the adoption by both the natural mother and the natural father. Such consents must be executed after the child is born and in all other respects must conform with I.C. ~~31-3-1-6(b)~~ 31-19-9. If the natural father refuses to sign a consent to the adoption, or if his identity or whereabouts are unknown, then in lieu of filing such consent the petitioners' attorney should file, and have served upon the natural father in the form prescribed by I.C. ~~31-3-1-6.1~~ 31-19-4, a notice of the adoption proceeding. ~~This notice shall not name or make any reference to the petitioners' identities; and shall identify the court proceedings only by court name and cause number.~~

E. ~~12.5~~ ~~WAITING PERIOD~~ Supplemental Report. Within six (6) to twelve (12) months after the filing of the Petition for Adoption, a follow-up report must be filed with the Court by the Division of Family and Children or a licensed agency confirming that there have been no substantial changes in the Pre-Adoption or Adoption Investigation Report filed contemporaneously with, or shortly after, the filing of the Petition for Adoption.

~~LOCAL PROBATE RULE 13~~

~~Waiver of Notice of Appraisal~~

~~13.1 Waivers of notice of the time and place of the appraisal of each property interest of a decedent for inheritance tax purposes and of the hearing on the appraisal report shall be filed on or before the date upon which the inheritance tax return is filed.~~

~~13.2 Such waivers of notice shall be signed by each person known to have an interest in the property interests to be appraised, and by any person designated by the Court. A waiver filed by an entity other than an individual shall state the capacity of the person who has signed for such entity.~~

~~13.3 A waiver signed by an attorney or another person on behalf of a person who is entitled to notice under I.C. 6-4.1-5-3 and I.C. 6-4.1-5-9 shall include a copy of the power of attorney, letters of guardianship or other authority for the signer to act on behalf of such person; in the event that the interested person is a minor, the waiver shall include a statement of the relationship of the signer to the minor.~~

~~13.4 In the event that a waiver is not filed for each interested person, the personal representative shall, upon filing the inheritance tax return, furnish the Assessor with sufficient~~

~~copies of forms of notice of appraisal, forms of notice of hearing on the report of appraiser, two (2) stamped, addressed envelopes for each interested person who has not waived notice, and certificates of mailing for both notices to be executed by the Assessor.~~

LR54-PR00-13

Waiting Period for Adoptions

Except for good cause shown, no final hearing for adoption of a minor shall take place until the adopting couple (or the birth parent and adoptive stepparent) have been married for at least one (1) year and the child has been in the home of the adoptive parent(s) for at least three (3) months.

LR54-PR00-14

Settlement Proceedings

A. Minor's Settlements. In all proceedings for approval of a minor's settlement:

(1) A hearing shall be held at which evidence is presented so as to satisfy the Court that the settlement fully protects the minor's rights and interest.

(2) The Court may at any time appoint an attorney or guardian ad litem for the minor.

(3) A custodial parent or the guardian of the minor must be present at the hearing, and the Court may require the attendance of the minor.

(4) A guardianship proceeding must be opened, unless the net proceeds to the minor are less than the amount that requires a guardianship, in which can the proposed settlement may be approved in the civil tort proceeding.

B. Bond or Restriction of Account. The guardian shall post bond or in lieu of bond shall comply with LR54-PR00-4.C.

LR54-PR00-15

Wrongful Death Estates

Status Report. When an estate for the sole purpose of prosecuting a wrongful death claim remains open for two (2) years, the personal representative shall file an annual status report as to such claim, due thirty (30) days after the second anniversary of the appointment of the personal representative and annually thereafter.

~~LOCAL PROBATE RULE 14~~
LR54-PR00-16

Miscellaneous

A. ~~14.1~~ In those matters for which the Court has authority to grant an extension of time, the Court may grant one thirty (30) day extension upon the filing of a written petition on or before the otherwise applicable deadline. An extension of time may be granted only upon the filing of a verified petition setting forth good cause.

B. ~~14.2~~ The personal representative in any supervised or unsupervised estate, any guardian, and any guardian ad litem shall sign and file with the Court their respective instruction forms, before letters shall be issued by the Clerk. (Probate Appendix F-1, F-2, F-3, F-4)

C. ~~14.3~~ The forms which are appended to these rules have been prepared for use in Montgomery Superior Court, in accordance with the ~~Local~~ local ~~Probate~~ ~~Rule 1~~ rule which assigns probate proceedings to Superior Court. However, to the extent that a probate proceeding is conducted in Montgomery Circuit Court, the same forms shall be applicable and the court designation shall be changed to Circuit Court.

STATE OF INDIANA) IN THE MONTGOMERY SUPERIOR COURT
) SS:
COUNTY OF MONTGOMERY) CAUSE NO. 54D01-_____-GU-_______

IN THE MATTER OF THE)
)
GUARDIANSHIP OF)
)
________________________,)
Minor)

BIENNIAL REPORT OF GUARDIAN (RESTRICTED ACCOUNT)

_________________________________, Guardian of the minor, being duly sworn upon (his) (her) oath, states as follows:

1. Petitioner was appointed as Guardian of _______________ on the ______day of________________, ________. The minor was _____ years of age at the time of the Guardian's appointment.

2. The minor is presently enrolled at ____________________ school in ____________________, Indiana, and is in the _______ grade.

3. The minor resides with the Guardian on a full-time basis at __________________, _________________, Indiana.

4. At the time the guardianship was established, the minor was the recipient of funds which were placed in a restricted account. The amount of funds received by the minor and placed in the restricted account was $_________________. The financial institution where the restricted account is held is _________________________ (financial institution), _____________, Indiana, and the value of the minor's funds at this time is

$____________________. Attached is a copy of the most recent account statement.

5. As guardian, I understand that the minor's funds cannot be withdrawn or spent without this Court's prior written approval.

6. ____

____

____

WHERERFORE, __________________________, the Guardian herein, requests that the Court approve this report.

I affirm under the penalties of perjury that the foregoing representations are true.

Date:_______________________

____
Guardian of Minor

MONTGOMERY SUPERIOR COURT

INSTRUCTIONS TO PERSONAL REPRESENTATIVE OF UNSUPERVISED ESTATE

Read carefully; date and sign one copy and return it to the Court within 10 days. Keep a copy for your reference.

You have been appointed PERSONAL REPRESENTATIVE of the estate of a deceased person. It is important that you understand the significance of the appointment and your responsibilities.

Listed below are some of your duties but not necessarily all of them. These duties are not listed in any order of priority. Ask the attorney for the estate to fully explain to you each of the items below and to tell you about any other duties you have in your particular circumstances. Though the attorney will probably file all papers at the Court, the ultimate responsibility to see that reports and returns are accurately prepared and filed rests with you.

As PERSONAL REPRESENTATIVE you are required to:

l. Locate all property owned individually or otherwise by the decedent at the date of death; and, ascertain the value of such assets as of date of death. Secure all property in safekeeping and maintain adequate insurance coverage; keep records of the assets. If applicable, obtain an appraisal of the property.

2. Inventory any safety deposit box in the presence of a representative of the County Assessor.

3. Keep a separate checking account or other type of transaction account for the estate and keep a record of all receipts and disbursements. **Never** commingle estate funds with any other funds or use them for other than estate purposes. Accounts and securities which are registered to the estate should be in your name "as Personal Representative for the Estate of (name of decedent)". Retain all paid bills and cancelled checks or other evidence of disbursement or distribution of any funds or assets of the estate for the Final Report to the Court.

4. Within two (2) months after you qualify and receive Letters of Personal Representative, you must file with the Court an Inventory of all property found belonging to the decedent on date of death, giving values as of the date of death.

5. You may need to obtain Consent to Transfer forms from the County Assessor for accounts and securities in order to transfer such assets.

6. Collect any proceeds of life insurance on the life of the decedent which is payable to the estate. Obtain Form 712 from insurance company, if needed for taxes.

7. Have mail forwarded; complete change of address forms at the Post Office.

8. Inspect all documents and personal papers of the decedent and retain anything pertinent to tax reporting, location and value of assets, debts or obligations of or to the decedent, or any other items of significance to administering the final affairs of decedent.

9. Pay all legal debts and funeral bills; however, pay only priority claims timely filed if there is any question of solvency of the Estate. Do not pay bills which are doubtful but refer them for Court determination. Do not make any distribution to any heir or beneficiary until at least five (5) months after the date of first publication of notice, unless an earlier distribution is allowed by Order of Court.

10. Prepare and file returns and pay taxes due (or claim any refund) for both State and Federal income taxes for the tax year in which the decedent died and any prior years, if applicable.

11. Prepare and file the Indiana Inheritance Tax Return and pay any tax due within ~~one (1) year~~ nine (9) months after date of death. Do the same for Federal Estate Tax, if required, within nine (9) months after date of death.

12. Unless subject to an exception, obtain a federal tax identification number for the estate. Choose a tax year for the estate; file estate income tax returns and pay any tax due for both State and Federal income tax.

13. Make distributions and obtain receipts for distributions.

14. File a Closing Statement with the Court within one (1) year, send a copy to all distributees of the estate and to all creditors or other claimants whose claims are neither paid nor barred; furnish a full account in writing of the administration to the distributees.

15. Pay court costs and the expenses of administration when due.

16. Be sure to make payments and distributions to the right persons. You are responsible for incorrect payments or distributions.

JUDGE DAVID A. AULT
MONTGOMERY SUPERIOR COURT

I acknowledge receipt of a copy of the above instructions and have read and will follow said instructions carefully.

Cause Number: ______________________ Estate of ____________________________

Dated: ______________________________ By ____________________________________
Personal Representative

Printed: ______________________________

MONTGOMERY SUPERIOR COURT
INSTRUCTIONS TO GUARDIANS

Read carefully; date and sign one copy and return it to the Court within 10 days. Keep a copy for your reference.

You have been appointed guardian of an individual who, because of some incapacity, is unable to care for his or her own financial and/or personal affairs. It is important that you understand the significance of this appointment and your responsibility as guardian.

Upon being appointed guardian, you are required to post a bond in the amount set by the Court and to take an oath to faithfully discharge your duties as guardian.

Listed below are some of your duties, but not necessarily all of them. Ask the attorney for the guardianship to fully explain to you each of the items below and to tell you about any other duties you have in your particular circumstances. Though the attorney will file all the papers with the Court, the ultimate responsibility to see that all reports and papers are accurately prepared and filed rests with you.

As guardian, you should be aware that you are required:

1) To file with the Court, within 90 days after your appointment, a verified inventory of all property belonging to the protected person;

2) To file with the Court a verified account, detailing all property and income received and all expenses paid, with vouchers or receipts to verify each expenditure of the guardianship, within 30 days of the first anniversary of your appointment, and then every two (2) years;

3) To pay bond premiums as they become due and court costs;

4) To file federal and state tax returns for the protected person and pay taxes;

5) To file a final accounting, detailing all property and income received and all expenses paid, with receipts to verify each expenditure, upon termination of the guardianship, due to the death of the protected person, or for any other reason;

6) To open an account, in your name as Guardian, in which all of the cash assets of the protected person are deposited, which account shall be used for all payments and disbursements on behalf of the guardianship and the protected person, and obtain and keep written proof (preferably cancelled checks) for all expenditures;

7) To obtain approval from the Court to use guardianship assets.

It is the duty of the guardian to protect and preserve the protected person's property, to account for such assets faithfully and to perform all the duties required by law of a guardian. You may **not** make expenditures or investments from guardianship funds without Court authorization.

Guardianship funds should **never** be commingled with personal funds. Accurate accounts must be kept and accurate reports made. Unauthorized use of guardianship funds may result in personal liability, and/or criminal prosecution.

It is important to understand that the guardian has the same duties and responsibilities concerning the protected person whether or not the protected person is a relative of the guardian.

If any questions arise during the guardianship, you should consult with your attorney.

JUDGE DAVID A. AULT
MONTGOMERY SUPERIOR COURT

I acknowledge receipt of a copy of the above instructions and have read and will follow said instructions carefully.

Cause Number ______________________ Guardianship of __________________________

Dated:______________________________ ____
Guardian
Printed:___________________________________

PROBATE APPENDIX F-3

MONTGOMERY SUPERIOR COURT

INSTRUCTIONS TO GUARDIAN AD LITEM

Your duties as Guardian Ad Litem, at a minimum, are to include all of the following:

l. Visit the person alleged to be legally incapacitated;
2. Explain to the person the nature, purpose, and legal consequences of appointment of a Guardian;
3. Explain to the person the hearing procedure and the person's rights in the hearing procedure, including but not limited to:
   A. The right to contest the Petition;
   B. The right to request limits on the Guardian's powers;
   C. The name of the individual seeking to be appointed Guardian;
   D. The right to object to a particular person or institution being appointed Guardian;
   E. The right to be present at the hearing;
   F. The right to be represented by legal counsel.
4. Contact the person's doctor for purposes of obtaining information regarding the physical and/or mental condition of the person;
5. Make determinations and inform the Court of those determinations on all of the following:
   A. Whether the person alleged to be legally incapacitated wishes to be present at the hearing;
   B. Whether the person alleged to be legally incapacitated wishes to contest the Petition;
   C. Whether the person alleged to be legally incapacitated wishes limits to be placed on the Guardian's powers;
   D. Whether the person alleged to be legally incapacitated objects to a particular person being appointed Guardian;
   E. Whether it is in the best interests of the person alleged to be legally incapacitated that a Guardian be appointed;
   F. Whether it is in the best interests of the person alleged to be legally incapacitated that the individual seeking to be appointed Guardian actually be appointed Guardian;
   G. Whether it is in the best interests of the person alleged to be legally incapacitated that limits be placed on the Guardian's powers.

JUDGE DAVID A. AULT
MONTGOMERY SUPERIOR COURT

I acknowledge receipt of a copy of the above instructions and will read and follow said instructions carefully.

Cause Number:____________________ Guardianship of__________________________

Dated:___________________________ _________________________________

Guardian Ad Litem

____

Printed

MAXIMUM

FEE GUIDELINES AND RULES

FOR

SUPERVISED ESTATES

PROBATE APPENDIX G

ATTORNEY FEES

I. Administration:

Gross Estate services are considered to normally include: Opening of the estate, qualifying the personal representative, preparing and filing the Inventory, paying claims, collecting assets, preparing and filing non-extraordinary petitions, preparing and filing the Inheritance Tax Return, obtaining the Court order thereon and paying the taxes, preparing and filing the Final Report, obtaining order approving same, distributing assets, obtaining discharge of the personal representative, and preparing and serving all notices on interested parties and readily ascertainable creditors throughout the proceedings. This list shall not be considered to be exclusive.

A. Gross Estate:

Up to $ 50,000, not to exceed..............6%

Next 50,000, not to exceed..............5%

Next 200,000, not to exceed..............4%

Next 700,000, not to exceed..............2%

Over l,000,000, not to exceed..............1%

B. Miscellaneous - Extraordinary Services:

Sale of Real Estate.....................$500.00

Federal Estate Tax Return:

Basic Fee..........................$600.00

Assets exceeding those indicated in Inheritance Tax Return 1%

Inheritance Tax Return

Cash, stock, bonds, other

intangibles - non-probate assets......1%

Other assets - non-probate assets.....1.5%

Petition - ex parte.....................$175.00

Other matters......Attorney's usual hourly rate (Attorney's expertise in probate matters will be considered by the Court in determining the applicable hourly rate.)

II. MISCELLANEOUS:

Probate Will only.............................$175.00

Small Estate settlement procedure.............$300.00

Indiana Inheritance Tax Return (see above)

Federal Estate Tax Return (see above)

III. WRONGFUL DEATH ADMINISTRATION:

Fees not to exceed:

Settlement prior to filing.................25%

Settlement after filing and

prior to Trial........................33-1/3%

Trial......................................40%

Appeal, or extra work......................50%

IV. GENERAL:

Fees will be computed on an hourly basis only for extraordinary services or for services not specified above. Fee petitions requesting extraordinary fees must set forth services rendered with specificity. Extraordinary services, depending upon the circumstances prevailing in each individual matter, may include: Sale of personal property, sale of real property, partial distribution, defending a will, construing a will, contesting claims, adjusting tax matters, any contested hearing, petition for instructions, heirship determination, generating additional income for the estate, federal estate tax return, etc.

All fee petitions must specifically set forth the fee requested for both the personal representative and the attorney and will be set for hearing. If all interested parties sign a waiver and consent stating that they have been advised the additional fee request exceeds the Court's guidelines and that the services as detailed are extraordinary, the Court may not require a hearing. A suggested form of acceptable waiver is attached. The Court will not determine and allow fees in an unsupervised administration. Fees determined on non-probate transferred assets should be charged against the transferees of such assets and not the estate.

PERSONAL REPRESENTATIVE FEES

I. PROFESSIONAL:

Their applicable reasonable rate to be reviewed in light of all prevailing circumstances.

II. NON-PROFESSIONAL:

An amount not in excess of one-half (1/2) of the attorney's fee.

III. ATTORNEY:

When the attorney also serves as the personal representative, an additional amount not in excess of one-third (1/3) of the attorney fee may be allowed, provided:

A. Additional services have been performed which are normally done by the personal representative; and

B. Assets of the estate warrant the allowance of additional fees.

LIMITATION ON FEES

The combined total of the fees allowed to the personal representative and attorney for the administration of an estate should not exceed ten percent (10%) of the decedent's gross estate.

WAIVER AND CONSENT TO ALLOWANCE OF FEES IN EXCESS OF GUIDELINES

When an attorney reasonably believes that extraordinary circumstances exist and requests fees that exceed the Guidelines, it is suggested that all affected parties either sign a waiver and consent, or the fees be determined only after notice to the affected parties and hearing on the petition. The waiver and consent should not be merely a pro forma waiver and consent, but should be in substantially the following form:

IMPORTANT: PLEASE READ BEFORE SIGNING!

WAIVER AND CONSENT

The undersigned, an interested party in the Estate of _____, understands

A. The maximum fee ordinarily allowed by the Court for legal services in this estate would amount to $_______;

B. The attorney has requested fees in the amount of $_______,
alleging that extraordinary and unusual services have been performed.

The undersigned, being fully advised, now consents to the allowance of the requested fee, waives any notice of hearing on the petition and requests that the Court allow fees in the amount of $_________.

Dated:________________ ______________________________
Devisee/Heir

UNDERTAKING AND OBLIGATION

The undersigned financial institution agrees to deposit the sum of ____ ($) into an account in the name of ______________________________ with said account to be a restricted account pursuant to the following conditions: (a) Said account shall contain guaranteed certificate(s) of investment and/or certificate(s) of deposits whereby the principal of said certificate(s) shall not be subject to depletion by economic changes in the marketplace; (b) withdrawals of said account(s) may be made ONLY upon written Order of the Montgomery Superior Court in Cause No. __________________ and (c) any withdrawal must be approved by the Court.

Copies of the Signature Card and Passbook or Certificate(s) of Deposit evidencing such restricted deposits are to be filed with the Montgomery Superior Court within ten (10) working days from the date of the Order approving said restricted account(s).

DATED:___________________

BY:_________________________________

____
TITLE

____
NAME OF FINANCIAL INSTITUTION

STATE OF INDIANA) IN THE MONTGOMERY SUPERIOR COURT
)SS:
COUNTY OF MONTGOMERY)
CAUSE NO. ______________________

IN THE MATTER OF THE)
)
GUARDIANSHIP OF)
)
________________________)

LAWYER'S UNDERTAKING AND OBLIGATION

I, the undersigned guardian, having been appointed by the Montgomery Superior Court, on this date, hereby authorize my attorney, ___________________________, to deposit all of the net guardianship assets, in the amount of $________________, in a savings account in my name as guardian with the restriction that withdrawal of principal or interest may be made ONLY on written order of Montgomery Superior Court.

Date: ___________________ __________________________________

Guardian of ______________________

I, the undersigned, as an officer of this Court and as attorney for the above guardian, hereby assume and undertake personal responsibility to the above named protected person and to the Montgomery Superior Court, to make the restricted deposit above designated and to deliver copies of the SIGNATURE CARD and PASSBOOK evidencing such restricted deposit and the amount thereof to the Court within ~~seven (7)~~ ten (10) days from date or to refund all of said funds to the Court forthwith upon demand.

Date: _________________ __________________________________
Attorney for Guardian
Attorney No. _____________________

Address: __________________________________

Phone: __________________________________

~~APPENDIX A-1~~
PROBATE APPENDIX A-2

MONTGOMERY SUPERIOR COURT
NO. 54D01-_____ GU______

GUARDIANSHIP OF ____

CERTIFICATION OF ACCOUNT BALANCES

In order to comply with the rules of the Montgomery Superior Court, I am required to file a Certification of Account Balances. Please certify the balances and names on the accounts I have listed below.

Dated: _______________________   _____________________________

(Guardian)

For Bank Use Only:

I certify that on the _____ day of __________, ~~19~~_______, the last day of the period covered by this accounting, there was on deposit in this institution to the credit of the Guardian, the following balance:

Name on Account	Account Number	Balance	Date
____________________	________________	__________	______
____________________	________________	__________	______
____________________	________________	__________	______
____________________	________________	__________	______

Name and Address of Institution:

____

____

____

Signature of Certifying Officer:

_____________________________   ____________________ Title   ______ Date

(Printed:____________________)

PROBATE APPENDIX B

STATE OF INDIANA) IN THE MONTGOMERY SUPERIOR COURT
) SS:
COUNTY OF MONTGOMERY)

IN THE MATTER OF THE)
GUARDIANSHIP OF) CAUSE NO. ________________________
__________________________)

GUARDIAN AD LITEM REPORT

____________________________ submits the following report on ________________________________, a proposed protected person, based on an assessment of the respondent on the _____ day of ____________, ~~19~~_____, at ____________________________.

l. Describe the nature and type of the respondent's disability:____

____

____

2. Describe the respondent's mental and physical condition; and, when it is appropriate, describe educational condition, adaptive behavior and social skills: ______________________________

____

____

3. State whether, in your opinion, the respondent is either totally incapable, or is partially capable, of making personal and financial decisions; and, if partially capable, state the kinds of decisions which the respondent can and cannot make. Include the reasons for this opinion:____

____

____

4. Describe the respondent's feelings about the proposed guardianship as well as the respondent's relationship with the potential guardian: ____

____

____

____

5. Describe the respondent's assets and estimate the value thereof:____

____

____

6. In your opinion, is guardianship necessary for the respondent at this point in time? Include the reason for this opinion:____

____

____

7. What, in your opinion, is the most appropriate living arrangement for the respondent; and, if applicable, describe the most appropriate treatment or habilitation plan. Include the reasons for your opinion:____

____

____

____

Signed: ______________________________

Printed: ______________________________

Address: ______________________________

City and State: ______________________________

Telephone: ______________________________

STATE OF INDIANA) IN THE MONTGOMERY SUPERIOR COURT
) SS:
COUNTY OF MONTGOMERY)

IN THE MATTER OF THE)
GUARDIANSHIP OF)
______________________________) CAUSE NO. ______________________

PHYSICIAN'S REPORT

___________________________, a physician licensed to practice medicine in all its branches in the State of Indiana, submits the following report on ____________________________________, ~~alleged incapacitated person~~ "patient", based on an examination of the ~~respondent~~ patient on the _______ day of _______________, ~~19~~____.

l. Describe the nature and type of the ~~respondent's~~ patient's disability:____

____

____

2. Describe the ~~respondent's~~ patient's mental and physical condition; and, when it is appropriate, describe educational condition, adaptive behavior and social skills:

____

____

____

3. State whether, in your opinion, the ~~respondent~~ patient is either totally incapable, or is partially capable of making personal and financial decisions; and, if partially capable, state the kinds of decisions which the ~~respondent~~ patient can and cannot make. Include the reasons for this opinion. ______________________

____

____

4. What, in your opinion, is the most appropriate living arrangement for the ~~respondent~~ patient; and, if applicable, describe the most appropriate treatment or habilitation plan. Include the reasons for your opinion. ____________________________

____

____

____

5. Can the ~~respondent~~ patient appear in court without injury to his/her health? ____

If the answer is no, explain the medical reasons for your answer.

____

____

____

6. Is the patient capable of consenting to the appointment of a guardian?

[ ] Yes

[ ] No

I affirm under the penalties for perjury that the foregoing representations are true.

Dated this ______ day of ______________, __________.

Signed: ____________________________

Printed: ____________________________

Address: ____________________________

City and State: ____________________________

Telephone: ____________________________

____

This report must be signed by a physician. If the description of the respondent's mental, physical and educational condition, adaptive behavior or social skills is based on evaluations by other professionals, all professionals preparing evaluations must sign the report. Evaluations on which the report is based must have been performed within ~~thirty (30) days~~ three (3) months of the date of the filing of the petition.

Names and signatures of other persons who performed evaluations upon which this report is based:

Name: ____

Address: ____

Signature: ____

Name: ____

Address: ____

Signature: ____

PROBATE APPENDIX D

STATE OF INDIANA)　　　　IN THE MONTGOMERY SUPERIOR COURT
) SS:
COUNTY OF MONTGOMERY)　　　　CAUSE NO. 54D01-_____-GU-________

IN THE MATTER OF THE)
)
GUARDIANSHIP OF)
)
__________________________,)
Minor)

BIENNIAL REPORT OF GUARDIAN (NO ASSETS)

____________________________, Guardian of the minor, being duly sworn upon (his) (her) oath, states as follows:

1. Petitioner was appointed as Guardian of ________________ on the ________day of ______________, ________. The minor was _______ years of age at the time of the Guardian's appointment.

2. The minor is presently enrolled at ____________________ school in ____________________, Indiana, and is in the ________ grade.

3. The minor resides with the Guardian on a full-time basis at _____________________,______________________, Indiana.

4. At the time the guardianship was established, the minor had no assets or income, and the minor has acquired no assets or income since the guardianship was established.

5.____

____

____

____

Wherefore, ________________________, the Guardian herein, requests that the Court approve this report.

I affirm under the penalties of perjury that the foregoing representations are true.

Date:________________________

____
Guardian of Minor

MONTGOMERY SUPERIOR COURT

INSTRUCTIONS TO PERSONAL REPRESENTATIVE OF SUPERVISED ESTATE

Read carefully; date and sign one copy and return it to the Court within 10 days. Keep a copy for your reference.

You have been appointed PERSONAL REPRESENTATIVE of the estate of a deceased person. It is important that you understand the significance of the appointment and your responsibilities.

Listed below are some of your duties but not necessarily all of them. These duties are not listed in any order of priority. Ask the attorney for the estate to fully explain to you each of the items below and to tell you about any other duties you have in your particular circumstances. Though the attorney will probably file all papers at the Court, the ultimate responsibility to see that reports and returns are accurately prepared and filed rests with you.

As PERSONAL REPRESENTATIVE you are required to:

l. Locate all property owned individually or otherwise by the decedent at the date of death; and, ascertain the value of such assets as of date of death. Secure all property in safekeeping and maintain adequate insurance coverage; keep records of the assets. If applicable, obtain an appraisal of the property.

2. Inventory any safety deposit box in the presence of a representative of the County Assessor.

3. Keep a separate checking account or other type of transaction account for the estate and keep a record of all receipts and disbursements. **Never** commingle estate funds with any other funds or use them for other than estate purposes. Accounts and securities which are registered to the estate should be in your name "as Personal Representative for the Estate of (name of decedent)". Retain all paid bills and cancelled checks or other evidence of disbursement or distribution of any funds or assets of the estate for the Final Report to the Court.

4. Within two (2) months after you qualify and receive Letters of Personal Representative, you must file with the Court an Inventory of all property found belonging to the decedent on date of death, giving values as of the date of death.

5. You may need to obtain Consent to Transfer forms from the County Assessor for accounts and securities in order to transfer such assets.

6. Collect any proceeds of life insurance on the life of the decedent which is payable to the estate. Obtain Form 712 from insurance company, if needed for taxes.

7. Have mail forwarded; complete change of address forms at the Post Office.

8. Inspect all documents and personal papers of the decedent and retain anything pertinent to tax reporting, location and value of assets, debts or obligations of or to the decedent, or any other items of significance to administering the final affairs of decedent.

9. Pay all legal debts and funeral bills; however, pay only priority claims timely filed if there is any question of solvency of the estate. Do not pay bills which are doubtful but refer them for Court determination. Do not make any distribution to any heir or beneficiary until at least five (5) months after the date of first publication of notice, unless an earlier distribution is allowed by Order of Court.

10. Prepare and file returns and pay taxes due (or claim any refund) for both State and Federal income taxes for the tax year in which the decedent died and any prior years, if applicable.

11. Prepare and file the Indiana Inheritance Tax Return and pay any tax due within ~~one (1) year~~ nine (9) months after date of death. Do the same for Federal Estate Tax, if required, within nine (9) months after date of death.

12. Unless subject to an exception, obtain a federal tax identification number for the estate. Choose a tax year for the estate; file estate income tax returns and pay any tax due for both State and Federal income tax.

l3. File a Final Account with the Court (with "vouchers"); obtain authorization for and make distributions; obtain receipts for distributions; file a Supplemental Report to the Court (with "vouchers") and obtain an order for closure of the estate.

14. Pay court costs and the expenses of administration when due.

l5. Be sure to make payments and distributions to the right persons. You are responsible for incorrect payments or distributions.

JUDGE DAVID A. AULT
MONTGOMERY SUPERIOR COURT

I acknowledge receipt of a copy of the above instructions and have read and will follow said instructions carefully.

Cause Number: ______________________ Estate of _____________________________

Dated: ______________________________ By ____________________________________
Personal Representative

Printed: _____________________________